

06-0000780

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS:

Harrison-Wyatt, LLC)
Tivis A. Arms)
Josh Vince Arms)
Kelsey Earp Eastridge)
Charlie E. Street)
Lucy Coleman Looney)
Robert A. Rash)

DOCKET NO.
91-0430-0116-01

RELIEF SOUGHT:

Issuance of an Amended Supplemental)
Order Amending Prior Orders Affecting)
Drilling Unit AA-9 Located in the Oakwood)
Coalbed Methane Gas Field ,)
Buchanan County, VA (herein "Subject)
Drilling Unit" to Provide:)
(1) Calculation of Funds Unit Operator)
Deposited into the Escrow Account for)
Subject Drilling Unit by Tract Subaccounts;)
(2) to Applicants, a Royalty Accounting; and)
(3) Disbursement to Applicants)
in Accordance with Their Ownership)
Interests Those Funds Deposited by the)
Unit Operator into Subject Drilling Unit's)
Escrow Subaccount for VGOB Tracts 2B & 2C)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for hearings before the Virginia Gas and Oil Board (herein "Board") on October 19 and November 16, 2004 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mary Jo Swartz, Esq. of the firm Swartz and Stump L.C. appeared for the Unit Operator; and Sharon M. B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-

361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. On May 31, 1991, the Board executed its order pooling all interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code §§ 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on June 6, 1991 in Deed Book 375 at page 758. The Board designated Oxy, USA, predecessor of CNX Gas Company, L.L.C., as the Unit Operator of the Subject Drilling Unit. The Pooling Order was amended and supplemented by the Board's Supplemental Order Regarding Elections executed on October 20, 1993 that was filed with the Clerk's Office on October 29, 1993 in Deed Book 415 at page 284 ("Supplemental Order")(hereafter the Pooling Order and the Supplemental Orders are collectively referred to as the Pooling Order).
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims/interests were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Order, the coal fee ownership of Harrison-Wyatt, L.L.C. and the oil and gas fee ownership of Robert A. Rash or their predecessors in title in a 18.84 acres tract known as VGOB Tract 2B, and the coal fee ownership of Harrison-Wyatt, L.L.C. and the oil and gas fee ownership of Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney or their predecessors in title in a 24.06 acres tract known as VGOB Tract 2C in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Amended Miscellaneous Petition to the Board, received October 25, 2004, a copy of which is attached to and made a part hereof, and sworn testimony attested that Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, and Kelsey Earp Eastridge, Charlie E. Street, Lucy Coleman Looney, and Robert A. Rash, have entered into royalty split agreements and that by terms of that agreements, escrow regarding the conflicting claims of said parties is no longer required. By sworn testimony, the Unit Operator notified the Board that VGOB Tract 2B and the interests of Harrison-Wyatt, LLC and Robert A. Rash, and a portion of VGOB Tract 2C and the interests of Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, and Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney are subject to the split agreement. Sworn testimony presented to and accepted by the Board at its November 16, 2004 hearing stated that Lucy Coleman Looney, who was not included in the petition, has joined the royalty split agreement with respect to interests in Tract 2C.
- 4.4. Petitioner gave notice to Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, and Kelsey Earp Eastridge, Charlie E. Street, Lucy Coleman Looney and Robert A. Rash that the Board would take the petition referred to in Paragraph 4.4 above under consideration at its hearing. Notice stated that the Board would consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tracts 2B and 2C; (2) delete the requirement that the Unit Operator place future royalties attributable to the above-named parties in Tracts 2B and 2C in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to escrow.
- 4.5. The Unit Operator filed the attached accountings for Subject Drilling Unit's Escrow Account with the Board ("Accountings").

5. **Findings:**

- 5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 The Petitioner has certified and represented to the Board that:

- ✓(1) Harrison-Wyatt, LLC is the owner of 100% of the coal estate underlying VGOB Tracts 2B & 2C of the subject Drilling Unit.
- (2) Robert A. Rash is the owner of 100% of the oil and gas estate underlying VGOB Tract 2B of the subject Drilling Unit.
- (3) Tivis A. Arms is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (4) Josh Vince Arms is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (5) Kelsey Earp Eastridge is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (6) Charles E. Street is the owner of 1/12 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (7) Lucy Coleman Looney is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (8) Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, and Kelsey Earp Eastridge, Charlie E. Street, Lucy Coleman Looney, and Robert A. Rash have entered into royalty split agreements specifying that escrowed funds attributable to their conflicting interests are to be divided with 50% going to the gas owner and 50% going to the coal owner, and also specifying that future royalties be paid directly to the owners according to the split agreement.
- (9) The net interests attributable and to be disbursed to Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, and Kelsey Earp Eastridge, Charlie E. Street, Lucy Coleman Looney, and Robert A. Rash in Tracts 2B & 2C are shown in Table 1, below.

TABLE-1		
Tract # 2B Owner Names	Net acres in Unit	% interest in VGOB 91-0430-0116 balance
Harrison –Wyatt, LLC C/O Wyatt Buick Pontiac P. O. Box 11000 Danville, VA 24543	18.84	11.9286%
Robert A. Rash P. O. Box 614 Tazewell, VA 24651	18.84	11.9286%
Tract # 2C Owner Names	Net acres in Unit	% interest in VGOB 91-0430-0116- 01 balance
Harrison –Wyatt, LLC C/O Wyatt Buick Pontiac P. O. Box 11000 Danville, VA 24543	24.06	2.1899%
Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.401	0.2539%
Kelsey Earp Eastridge P. O. Box 654 Millers Creek, VA 28651	0.401	0.2539%
Josh Vince Arms Rt. 3 Box 316 Grundy, VA 24614	0.401	0.2539%
Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	2.005	1.2695%
Lucy Coleman Looney 883 Woodbriar Dr. Lebanon, VA 24266	0.2506	0.1587%

2B -
2C

6. **Relief Granted:**

For the reasons set forth in Paragraphs 4 and 5 above and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order: (1) Disburse escrowed funds attributable to VGOB Tracts 2B & 2C to Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, and Kelsey Earp Eastridge, Charlie E. Street, Lucy Coleman Looney, and Robert A. Rash according to the percentages shown in Table 1, above, and mail attributable proceeds to the addresses shown in the table. Exhibits to the Pooling Order, showing owners subject to escrow, are deleted in toto and replaced with the Exhibit E attached to the petition. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, and Kelsey Earp Eastridge, Charlie E. Street, Lucy Coleman Looney, and Robert A. Rash in Tracts 2B & 2C be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

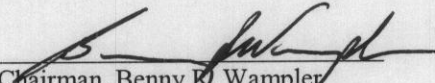
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

8. **Appeals:**

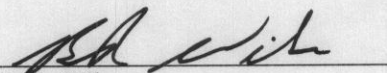
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 9th day of March, 2006, by a majority of the Virginia Gas and Oil Board.

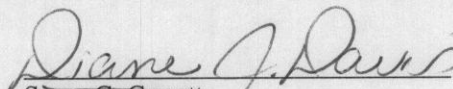

Chairman, Benny R. Wampler

DONE AND PERFORMED this 13th day of March, 2006, by an Order of this Board.


B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF ~~WISE~~)
Washington

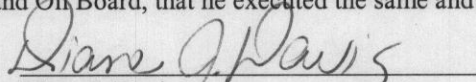
Acknowledged on this 9th day of March, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


~~Susan G. Garrett~~
Notary Public

My Commission expires: 9/30/09

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 13th day of March, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public

My commission expires: 9/30/09

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 91-0430-0116-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2B & 2C
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: November 16, 2004
(continued from October)

DRILLING UNIT: AA-9

BUCHANAN COUNTY, VIRGINIA



AMENDED MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **Swartz & Stump, L.C.**, P.O. Box 517, Abingdon, VA 24212.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2B & 2C as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC and Tivis Arms, Josh Arms, Kelsey Eastridge, Charlie E. Street and Robert Rash.

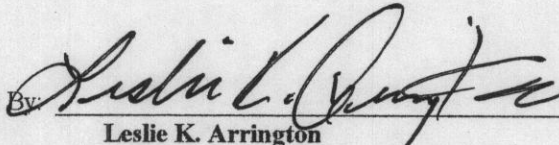
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

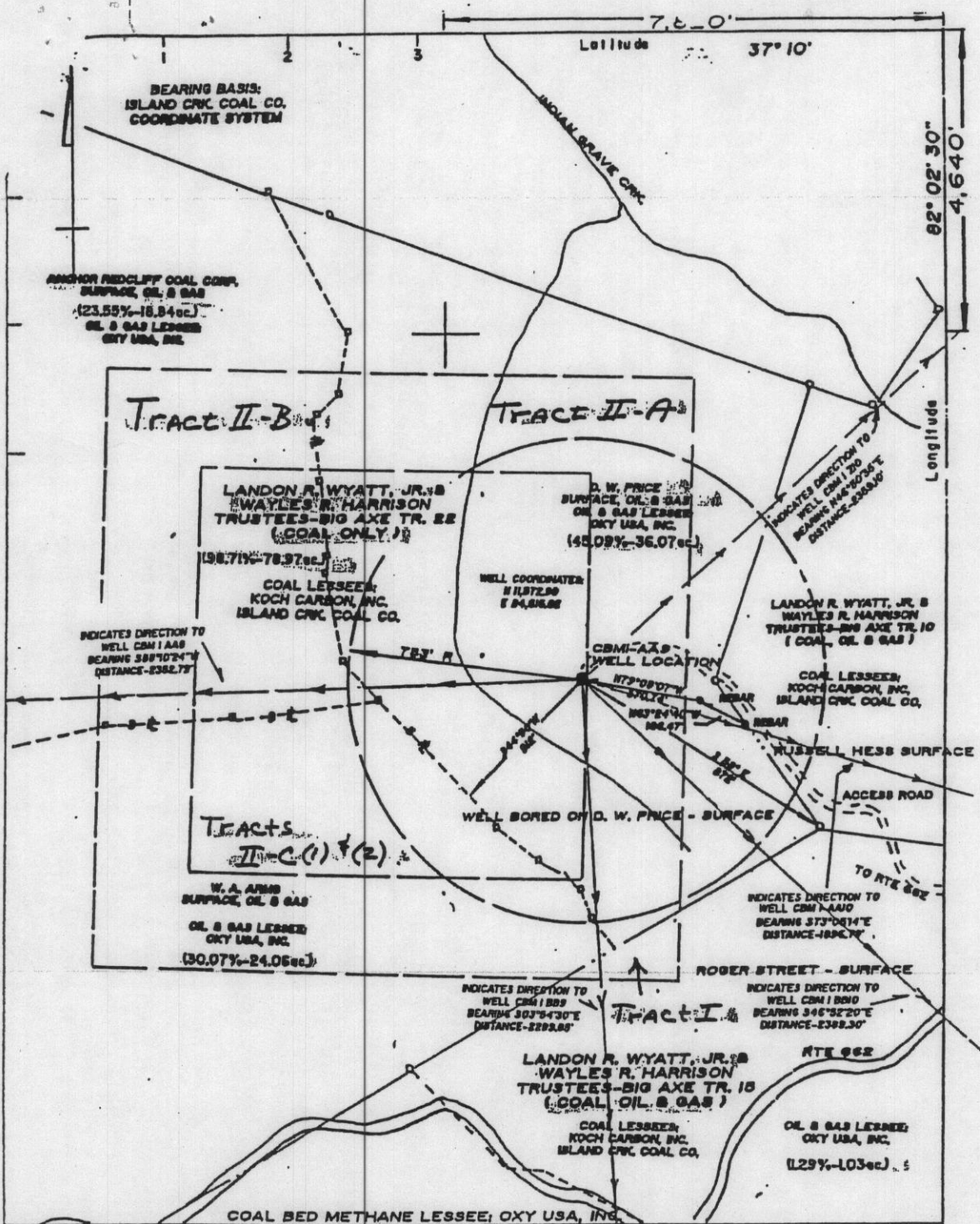
5. **Factual basis for relief requested:** Harrison-Wyatt, LLC and Tivis Arms, Josh Arms, Kelsey Eastridge, Charlie E. Street and Robert Rash, have entered into a royalty split agreement. Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid, to-wit: 13.9598 total percent of escrow to Harrison-Wyatt, LLC and 0.2539 percent of escrow to Tivis Arms, Josh Arms and Kelsey Eastridge, individually; and 1.2695 percent of escrow to Charlie E. Street and 11.9286 percent of escrow to Robert Rash.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY IT'S PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 

Leslie K. Arrington
Manager – Environmental / Permitting
CNX Gas Company LLC
P.O. Box 947
Bluefield, Virginia 24605
276/988-1000



COMPANY OXY USA, INC.
 ADDRESS DRAWER C, RICHLANDS, VA 24641
 WELL NAME CBMI-AA9
 FARM TRACT BIG AXE 22
 LEASE NO. ELEVATION 2260.00'
 ACRES 400 QUADRANGLE VAN SANT
 COUNTY BUCHANAN DISTRICT SOUTH BRUNY
 REG. ENGINEER VA REG. NO. 2287
 CERT. LAND SURVEYOR CERT NO.
 FILE NO. DRAWING NO.
 DATE 10-12-20 SCALE 1" = 400'

This plot is ☒ new ☐ updated
 This plot ☒ is ☐ is not based on a mine
 coordinate system established for the area
 of the well location.

EXHIBIT A

WELL LOCATION MAP

WELL NO. CBMI-AA9

+ Denotes location of well on United States
 Topographic Maps, scale 1 to 24,000, lat-
 itude and longitude lines being represented
 by border lines as shown.

CERTIFICATION OF WELL PLAT

I, the undersigned, hereby certify that
 this plat is correct to the best of my
 knowledge and belief, and that I have all the
 information required by law and the regulations
 of the Well Review Board.

ALTON F. LIGHT
 Registered Engineer No. 195. Certified
 Land Surveyor in Charge
 2687

CNX Gas Company LLC

UNIT AA-9

Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) – All Minerals
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Roger Street – Surface
1.03 acres 1.2875%

- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
D. W. Price Heirs – Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
36.07 acres 45.0875%

- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Robert A. Rash – Surface and All Minerals except Coal
CNX Gas Company LLC- Oil, Gas and CBM Leased
18.84 acres 23.5500%

- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
W. A. Arms Heirs, Successors or Assigns – Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (52.47%)
24.06 acres 30.0750%

Exhibit EE
Unit AA-9
Docket #VGOB 91-0430-0116
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #2B - 18.84 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	18.84 acres	23.5500%	23.8572%
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Robert A. Rash P.O. Box 614 Tazewell, VA 24651	18.84 acres	23.5500%	23.8572%
<u>Tract #2C - 24.06 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%	30.4673%
<u>OIL & GAS FEE OWNERSHIP</u>			
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%	30.4673%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns			
(g) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.251 acres 1/96 of 24.06 acres	0.3133%	0.3174%
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	2.005 acres 1/12 of 24.06 acres	2.5063%	2.5389%
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%
(b) Kelsey Earp Eastridge P.O. Box 654 Millers Creek, NC 28651	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%

Tract-by-Tract Escrow Calculation
Account Balances as of 7/31/04

Unit AA-8 (18.43 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$27,418.46
Harrison-Wyatt, LLC - Coal	1B	10.58	57.4064%	28.7032%	\$7,869.98
W.A. Armes Heirs - O&G				28.7032%	\$7,869.98
a) Tivis Arms (1/60)				0.4784%	\$131.17
b) Josh Arms (1/60)				0.4784%	\$131.17
c) Kelsie Arms Earp (1/60)				0.4784%	\$131.17
d) Charlie E. Street (1/12)				2.3919%	\$655.83
e) Lucy Looney (1/96)				0.2990%	\$81.98
Harrison-Wyatt, LLC - Coal	1C	7.85	42.5936%	21.2968%	\$5,839.25
James Ball / Janice Ball - O&G				21.2968%	\$5,839.25

Unit AA-9 (78.97 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$67,479.62
Harrison-Wyatt, LLC - Coal	2A	36.07	45.6756%	22.8378%	\$15,410.85
Price - O&G				22.8378%	\$15,410.85
Harrison-Wyatt, LLC - Coal	2B	18.84	23.8572%	11.9286%	\$8,049.36
Robert Rash - O&G				11.9286%	\$8,049.36
Harrison-Wyatt, LLC - Coal	2C	24.06	30.4673%	15.2336%	\$10,279.60
W.A. Armes Heirs - O&G				15.2336%	\$10,279.60
a) Tivis Arms (1/60)				0.2539%	\$171.33
b) Josh Arms (1/60)				0.2539%	\$171.33
c) Kelsie Arms Earp (1/60)				0.2539%	\$171.33
d) Charlie E. Street (1/12)				1.2695%	\$856.63
e) Lucy Looney (1/96)				0.1587%	\$107.08

Unit BB-8 (60.55 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$85,145.73
Harrison-Wyatt, LLC - Coal	2A	3.06	5.0537%	2.5268%	\$2,151.49
William & Virginia Ball - O&G				2.5268%	\$2,151.49
Harrison-Wyatt, LLC - Coal	2B	41.46	68.4723%	34.2362%	\$29,150.64
James Ball / Janice Ball - O&G				34.2362%	\$29,150.64
Harrison-Wyatt, LLC - Coal	2C	16.03	26.4740%	13.2370%	\$11,270.74
W.A. Armes Heirs - O&G				13.2370%	\$11,270.74
a) Tivis Arms (1/60)				0.2206%	\$187.85
b) Josh Arms (1/60)				0.2206%	\$187.85
c) Kelsie Arms Earp (1/60)				0.2206%	\$187.85
d) Charlie E. Street (1/12)				1.1031%	\$939.23
e) Lucy Looney (1/96)				0.1379%	\$117.40

**Note: To calculate the percent of escrow per owner, take the total acres escrowed and divide by the individual tract acres, then divide the result by 2. (Divide by 2 because the owners have agreed to split to money equally.*

Exhibit E
Unit AA-9
Docket #VGOB 91-0430-0116
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #2A - 36.07 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	36.07 acres	45.0875%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) D.W. Price Rt.1 Box 403 Midland, VA 22728	36.07 acres	45.0875%
<u>Tract #2C - 24.06 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%
<u>OIL & GAS FEE OWNERSHIP</u>		
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Edmond M. (Bud) Coleman Heirs, Devisees, Successors or Assigns		
(a.1) Sue Edwards P.O. Box 365 Pembroke, VA 24136	0.201 acres 1/120 of 24.06 acres	0.2506%
(a.2) Judy Fuller 17391 Cleveland Road Abingdon, VA 24211	0.201 acres 1/120 of 24.06 acres	0.2506%
(b) Elmer Coleman Heirs, Devisees, Successors or Assigns		
(b.1) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.134 acres 1/180 of 24.06 acres	0.1671%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.134 acres 1/180 of 24.06 acres	0.1671%
(a.3) Adam F. Coleman Address Unknown	0.134 acres 1/180 of 24.06 acres	0.1671%

Exhibit E
Unit AA-9
Docket #VGOB 91-0430-0116
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(c) Thurman Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Ruth Nuckles Coleman <i>Address Unknown</i>	<i>Life Estate Only</i>	
(c.2) Michael Coleman Rt.1 Box 682 Pounding Mill, VA 24637	0.201 acres 1/120 of 24.06 acres	0.2506%
(c.3) Mildred Coleman Box 269 Pounding Mill, VA 24637	0.201 acres 1/120 of 24.06 acres	0.2506%
(d) Onie Coleman Jackson Heirs, Devisees, Successors or Assigns		
(d.1) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.2) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.3) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.4) Agnes Johnson Bartee 6207 Upton Place Clinton, MD 20735	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.5) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.6) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.7) Kathryn Johnson Webb 9634 Glover Hill Road Manassas, VA 22110	0.057 acres 1/420 of 24.06 acres	0.0716%
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.401 acres 1/60 of 24.06 acres	0.5013%
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Ed Coleman Price Heirs, Devisees, Successors or Assigns		
(a.1) Hurley Street Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	1.003 acres 1/24 of 24.06 acres	1.2531%
(b) Edna Coleman Price Heirs, Devisees,		

Exhibit E
Unit AA-9
Docket #VGOB 91-0430-0116
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
Successors or Assigns		
(b.1) James C. Price Box 1 Birchleaf, VA 24220	0.501 acres 1/48 of 24.06 acres	0.6266%
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns		
(c.1) Edgar Allen Price, Jr. 3609 Pamlico Circle Norfolk, VA 23513	0.251 acres 1/96 of 24.06 acres	0.3133%
(c.2) Katherine Price Sears 4105 Lake Boulevard Oceanside, CA 92049	0.251 acres 1/96 of 24.06 acres	0.3133%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Gladys Coleman Blankenship Heirs, Devisees, Successors or Assigns		
(a.1) Elmer James Jackson P.O. Box 145 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.2) Ettie Mae Hill P.O. Box 134 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.3) Paul Jackson P.O. Box 117 Davenport, VA 24239	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.4) Agnes Hurley Rt.1 Box 392 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.5) Linda Ruth Gilbert Rt.1 Box 409 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.6) Lois Kate Boyd P.O. Box 409 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.7) Ira Roger Jackson P.O. Box 1097 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.8) Rhonda Renee Gilbert P.O. Box 26 Davenport, VA 24239	0.028 acres 1/864 of 24.06 acres	0.0348%
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns		
(a.9.1) Richard Jackson McHenry 8545 Maheville Road	0.014 acres 1/1728 of 24.06 acres	0.0174%

Exhibit E
Unit AA-9
Docket #VGOB 91-0430-0116
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
Orrville, OH 44667		
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.014 acres 1/1728 of 24.06 acres	0.0174%
(b) Howard Coleman Heirs, Devisees, Successors or Assigns		
(b.1) Opal Coleman 18988 I-18 Continental, OH 45831	0.251 acres 1/96 of 24.06 acres	0.3133%
(c) Beatrice Coleman Owens Heirs, Devisees, Successors or Assigns		
(c.1) Burton Eugene Owens P.O. Box 1933 Grundy, VA 24614	0.125 acres 1/192 of 24.06 acres	0.1566%
(c.2) Darlene Owens Mullins P.O. Box 228 Rosedale, VA 24280	0.125 acres 1/192 of 24.06 acres	0.1566%
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512	0.251 acres 1/96 of 24.06 acres	0.3133%
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.251 acres 1/96 of 24.06 acres	0.3133%
(f) Mae Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.251 acres 1/96 of 24.06 acres	0.3133%
(h) Alva C. Coleman Heirs, Devisees, Successors or Assigns		
(h.1) Alva Lee Coleman P.O. Box 252 Grundy, VA 24614	0.125 acres 1/192 of 24.06 acres	0.1566%
(h.2) Angel Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.125 acres 1/192 of 24.06 acres	0.1566%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.668 acres 1/36 of 24.06 acres	0.8354%

Exhibit E
Unit AA-9
Docket #VGOB 91-0430-0116

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.668 acres 1/36 of 24.06 acres	0.8354%
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		
(c.1) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.668 acres 1/36 of 24.06 acres	0.8354%
(6) John Arms Heirs, Devisees, Successors or Assigns		
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.668 acres 1/36 of 24.06 acres	0.8354%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.668 acres 1/36 of 24.06 acres	0.8354%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.668 acres 1/36 of 24.06 acres	0.8354%
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns		
(a) Alice Mae Elliott 3449 Johnstown Road Centerburg, OH 43011	1.003 acres 1/24 of 24.06 acres	1.2531%
(b) John Jackson, II 2846 Vanetta Road Centerburg, OH 43011	1.003 acres 1/24 of 24.06 acres	1.2531%
(8) Vince Arms Heirs, Devisees, Successors or Assigns		
(c) Juanita I. Arms Deel Heirs, Devisees, Successors or Assigns		
(c.1) John Deel Address Unknown	(Life Estate Only)	
(c.2) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.201 acres 1/120 of 24.06 acres	0.2506%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.201 acres 1/120 of 24.06 acres	0.2506%
(e) William (Billy) P. Arms Heirs, Devisees, Successors or Assigns		

Exhibit E
Unit AA-9

Docket #VGOB 91-0430-0116

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(e.1) Wanda Arms, widow P.O. Box 294 Rosedale, VA 24280	0.401 acres 1/60 of 24.06 acres	0.5013%
(9) Slomp Arms Heirs, Devisees, Successors or Assigns		
(a) Pauline Arms Jesse Rt.H Box 454 Coeburn, VA 24230	0.668 acres 1/36 of 24.06 acres	0.8354%
(b) Donald Arms Rt.H Box 454 Coeburn, VA 24230	0.668 acres 1/36 of 24.06 acres	0.8354%
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.668 acres 1/36 of 24.06 acres	0.8354%
(10) Dock Arms Heirs, Devisees, Successors or Assigns		
(a) Dessie Arms 13200 Mallicote Drive Abingdon, VA 24210	2.005 acres 1/12 of 24.06 acres	2.5063%
(11) Howell Arms Heirs, Devisees, Successors or Assigns		
(a) Mary June Shortridge Arms Rt.1 Box 117 Vansant, VA 24656	2.005 acres 1/12 of 24.06 acres	2.5063%
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns		
(a) James Osborne 26413 Mansfield Road Devine, OH 43512	0.401 acres 1/60 of 24.06 acres	0.5013%
(b) Ron Osborne 43983 Upper Clear Cadiz, OH 43907	0.401 acres 1/60 of 24.06 acres	0.5013%
(c) Bill Osborne 1280 3 Springs Russellville, TN 37860	0.401 acres 1/60 of 24.06 acres	0.5013%
(d) Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%
(e) Geraldine O'Quinn Rt.1 Box 112 Vansant, VA 24656	0.401 acres 1/60 of 24.06 acres	0.5013%

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 13th day of March, 2006 3:16 P. M.
Deed Book No. Amme and Page No. —
Returned to: Amme
TESTE: Jessie S. Valler Deputy Clerk
James M. Bevins, Jr., Clerk

**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463166

91-0430-0116T2BR1

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 11385.78

01/VGOB
04/07/2006WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853
WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

N N N N N N N

THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT OF MINES, MINERALS & ENERGY
VIRGINIA GAS & OIL BOARD
EMPLOYEE SHAREHOLDER SERVICESWACHOVIA BANK, N.A.
62-22/311 38875

CHECK NUMBER 0000463166

DATE	CHECK AMOUNT
04/07/2006	*****11385.78**

PAY ELEVEN THOUSAND THREE HUNDRED EIGHTY FIVE AND 78/100 DOLLARS
TO THE ORDER OF:000066 04/10/06 00463166 ESSP LMDRESCD
HARRISON-WYATT LLC
C/O WYATT BUICK PONTIAC
P O BOX 11000
DANVILLE VA 24543

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463166⑈ ⑆031100225⑆ 5079900000071⑈

**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463167

91-0430-0116T2BR2

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 11385.78

01/VGOB
04/07/2006WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853
WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT. OF MINES, MINERALS & ENERGY
VIRGINIA GAS & OIL BOARDWACHOVIA BANK, N.A.
62-22/311 38875

CHECK NUMBER 0000463167

EMPLOYEE SHAREHOLDER SERVICES

DATE	CHECK AMOUNT
04/07/2006	*****11385.78**

PAY ELEVEN THOUSAND THREE HUNDRED EIGHTY FIVE AND 78/100 DOLLARS
TO THE ORDER OF:000067 04/10/06 00463167 ESSP LYDMESC1
ROBERT A RASH
P O BOX 614
TAZEWELL VA 24651

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

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04-11-06

09:11am

From-WACHOVIA ESSG

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T-179

P.010/015

F-066

**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463168

91-0430-0116T2CR1

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 2090.25

01/VGOB
04/07/2006WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853
WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT OF MINES, MINERALS & ENERGY
VIRGINIA GAS & OIL BOARDWACHOVIA BANK, N.A.
62-22/311 38875

CHECK NUMBER 0000463168

EMPLOYEE SHAREHOLDER SERVICES

DATE	CHECK AMOUNT
04/07/2006	*****2090.25**

PAY TWO THOUSAND NINETY AND 25/100 DOLLARS
TO THE ORDER OF:000088 04/30/06 00463168 ESSG LHMESCL
HARRISON-WYATT LLC
C/O WYATT BUICK PONTIAC
P O BOX 11000
DANVILLE VA 24543

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

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**WACHOVIA****EMPLOYEE SHAREHOLDER SERVICES****0000463169**

91-0430-0116T2CR3

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 242.35

01/VGOB
04/07/2006WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853
WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT OF MINES, MINERALS & ENERGY
VIRGINIA GAS & OIL BOARD
EMPLOYEE SHAREHOLDER SERVICESWACHOVIA BANK, N.A.
62-22/311 38875CHECK NUMBER **0000463169**

DATE	CHECK AMOUNT
04/07/2006	*****242.35**

PAY TWO HUNDRED FORTY TWO AND 35/100 DOLLARS

TO THE ORDER OF:

000064 04/10/06 00463169 ESPP LMBNESC1
KELSEY EARP EASTRIDGE
P O BOX 654
MILLERS CREEK VA 22651

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463169⑈ ⑆031100225⑆ 5079900000071⑈

04-11-06

09:12am

From-WACHOVIA ESSG

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**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463170

91-0430-011672CR4

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 242.35

01/VGOB

04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853

WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT. OF MINES, MINERALS & ENERGY

VIRGINIA GAS & OIL BOARD

EMPLOYEE SHAREHOLDER SERVICES

WACHOVIA BANK, N.A.
62-22/311 38875

CHECK NUMBER 0000463170

DATE	CHECK AMOUNT
04/07/2006	*****242.35**

PAY TWO HUNDRED FORTY TWO AND 35/100 DOLLARS

TO THE ORDER OF:

000070 04/10/06 00463170 ESSP LUBHESCI

JOSH VINCE ARMS

RT 3 BOX 316

GRUNDY VA 24614

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

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04-11-06

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+2156706564

T-179 P.013/015

F-066

**WACHOVIA****EMPLOYEE SHAREHOLDER SERVICES****0000463171**

91-0430-0116T2CR5

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 1211.73

01/VGOB

04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853
 WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT. OF MINES, MINERALS & ENERGY

VIRGINIA GAS & OIL BOARD

EMPLOYEE SHAREHOLDER SERVICES

WACHOVIA BANK, N.A.
 62-22/311 38875

CHECK NUMBER

0000463171

DATE	CHECK AMOUNT
04/07/2006	*****1211.73**

PAY ONE THOUSAND TWO HUNDRED ELEVEN AND 73/100 DOLLARS**TO THE ORDER OF:**

000091 04/10/06 00463171 ESSP LUDHESCI

CHARLIE E STREET

19171 STONE MOUNTAIN ROAD

ABINGDON VA 24210

****VOID AFTER 90 DAYS****

AUTHORIZED SIGNATURE

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04-11-06

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T-179

P.014/015

F-066

**WACHOVIA****EMPLOYEE SHAREHOLDER SERVICES****0000463172**

91-0430-0116T2CR6

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 151.48

01/VGOB

04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853
 WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT OF MINES, MINERALS & ENERGY

VIRGINIA GAS & OIL BOARD

EMPLOYEE SHAREHOLDER SERVICES

WACHOVIA BANK, N.A.
 62-22/311 38875

CHECK NUMBER

0000463172

DATE	CHECK AMOUNT
04/07/2006	*****151.48**

PAY ONE HUNDRED FIFTY ONE AND 48/100 DOLLARS

TO THE ORDER OF:

000012 04/10/06 00463172 ESSP LMDHESC1
 LUCY COLEMAN LOONEY
 883 WOODBRIAR DR
 LEBANON VA 24266

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

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04-21-06

03:09pm

From-WACHOVIA ESSG

+2156706564

T-205 P.001/001 F-224

**WACHOVIA****EMPLOYEE SHAREHOLDER SERVICES****0000469131**

91-0430-0116T2CR2

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 242.35

01/VGOB

04/20/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853

WEB ADDRESS: www.wachovia.com/corp_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT OF MINES, MINERALS & ENERGY

VIRGINIA GAS & OIL BOARD

WACHOVIA BANK, N.A.
62-22/311 38875CHECK NUMBER **0000469131****EMPLOYEE SHAREHOLDER SERVICES**

DATE	CHECK AMOUNT
04/20/2006	*****242.35**

PAY TWO HUNDRED FORTY TWO AND 35/100 DOLLARS
TO THE ORDER OF:

VOID AFTER 90 DAYS

000321 04/21/06 00469131 ESSG LWDNESC1
TIVIS A ARMS
1209 WEST MADISON STREET
MAYODAN NC 27027

AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00469131⑈ ⑆031100225⑆ 5079900000071⑈

Tract-by-Tract Escrow Calculation
Account Balances as of 7/31/04

Unit AA-8 (18.43 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$27,418.46
Harrison-Wyatt, LLC - Coal	1B	10.58	57.4064%	28.7032%	\$7,869.98
W.A. Armes Heirs - O&G				28.7032%	\$7,869.98
a) Tivis Arms (1/60)				0.4784%	\$131.17
b) Josh Arms (1/60)				0.4784%	\$131.17
c) Kelsie Arms Earp (1/60)				0.4784%	\$131.17
d) Charlie E. Street (1/12)				2.3919%	\$655.83
e) Lucy Looney (1/96)				0.2990%	\$81.98
Harrison-Wyatt, LLC - Coal	1C	7.85	42.5936%	21.2968%	\$5,839.25
James Ball / Janice Ball - O&G				21.2968%	\$5,839.25

Unit AA-9 (78.97 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$67,479.62
Harrison-Wyatt, LLC - Coal	2A	36.07	45.6756%	22.8378%	\$15,410.85
Price - O&G				22.8378%	\$15,410.85
Harrison-Wyatt, LLC - Coal	2B	18.84	23.8572%	11.9286%	\$8,049.36
Robert Rash - O&G				11.9286%	\$8,049.36
Harrison-Wyatt, LLC - Coal	2C	24.06	30.4673%	15.2336%	\$10,279.60
W.A. Armes Heirs - O&G				15.2336%	\$10,279.60
a) Tivis Arms (1/60)				0.2539%	\$171.33
b) Josh Arms (1/60)				0.2539%	\$171.33
c) Kelsie Arms Earp (1/60)				0.2539%	\$171.33
d) Charlie E. Street (1/12)				1.2695%	\$856.63
e) Lucy Looney (1/96)				0.1587%	\$107.08

Unit BB-8 (60.55 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$85,145.73
Harrison-Wyatt, LLC - Coal	2A	3.06	5.0537%	2.5268%	\$2,151.49
William & Virginia Ball - O&G				2.5268%	\$2,151.49
Harrison-Wyatt, LLC - Coal	2B	41.46	68.4723%	34.2362%	\$29,150.64
James Ball / Janice Ball - O&G				34.2362%	\$29,150.64
Harrison-Wyatt, LLC - Coal	2C	16.03	26.4740%	13.2370%	\$11,270.74
W.A. Armes Heirs - O&G				13.2370%	\$11,270.74
a) Tivis Arms (1/60)				0.2206%	\$187.85
b) Josh Arms (1/60)				0.2206%	\$187.85
c) Kelsie Arms Earp (1/60)				0.2206%	\$187.85
d) Charlie E. Street (1/12)				1.1031%	\$939.23
e) Lucy Looney (1/96)				0.1379%	\$117.40

***Note:** To calculate the percent of escrow per owner, take the total acres escrowed and divide by the individual tract acres, then divide the result by 2. (Divide by 2 because the owners have agreed to split to money equally.

Exhibit B
Tract-by-Tract Escrow Calculation
Account Balances as of 7/31/04

Unit AA-8 (18.43 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$27,418.46
Harrison-Wyatt, LLC - Coal	1B	10.58	57.4064%	28.7032%	\$7,869.98
W.A. Armes Heirs - O&G				28.7032%	\$7,869.98
a) Tivis Arms (1/60)				0.4784%	\$131.17
b) Josh Arms (1/60)				0.4784%	\$131.17
c) Kelsie Arms Earp (1/60)				0.4784%	\$131.17
d) Charlie E. Street (1/12)				2.3919%	\$655.83
Harrison-Wyatt, LLC - Coal	1C	7.85	42.5936%	21.2968%	\$5,839.25
James Ball / Janice Ball - O&G				21.2968%	\$5,839.25

Unit AA-9 (78.97 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$67,479.62
Harrison-Wyatt, LLC - Coal	2A	36.07	45.6756%	22.8378%	\$15,410.85
Price - O&G				22.8378%	\$15,410.85
Harrison-Wyatt, LLC - Coal	2B	18.84	23.8572%	11.9286%	\$8,049.36
Robert Rash - O&G				11.9286%	\$8,049.36
Harrison-Wyatt, LLC - Coal	2C	24.06	30.4673%	15.2336%	\$10,279.60
W.A. Armes Heirs - O&G				15.2336%	\$10,279.60
a) Tivis Arms (1/60)				0.2539%	\$171.33
b) Josh Arms (1/60)				0.2539%	\$171.33
c) Kelsie Arms Earp (1/60)				0.2539%	\$171.33
d) Charlie E. Street (1/12)				1.2695%	\$856.63

Unit BB-8 (60.55 acres escrowed)

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$85,145.73
Harrison-Wyatt, LLC - Coal	2A	3.06	5.0537%	2.5268%	\$2,151.49
William & Virginia Ball - O&G				2.5268%	\$2,151.49
Harrison-Wyatt, LLC - Coal	2B	41.46	68.4723%	34.2362%	\$29,150.64
James Ball / Janice Ball - O&G				34.2362%	\$29,150.64
Harrison-Wyatt, LLC - Coal	2C	16.03	26.4740%	13.2370%	\$11,270.74
W.A. Armes Heirs - O&G				13.2370%	\$11,270.74
a) Tivis Arms (1/60)				0.2206%	\$187.85
b) Josh Arms (1/60)				0.2206%	\$187.85
c) Kelsie Arms Earp (1/60)				0.2206%	\$187.85
d) Charlie E. Street (1/12)				1.1031%	\$939.23

***Note:** To calculate the percent of escrow per owner, take the total acres escrowed and divide by the individual tract acres, then divide the result by 2. (Divide by 2 because the owners have agreed to split to money equally.

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

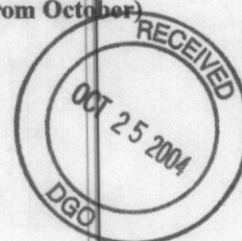
DIVISION OF GAS AND OIL
DOCKET NO: VGOB 91-0430-0116-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2B & 2C
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: November 16, 2004
(continued from October)

DRILLING UNIT: AA-9

BUCHANAN COUNTY, VIRGINIA



AMENDED MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **Swartz & Stump, L.C.**, P.O. Box 517, Abingdon, VA 24212.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2B & 2C as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC and Tivis Arms, Josh Arms, Kelsey Eastridge, Charlie E. Street and Robert Rash.

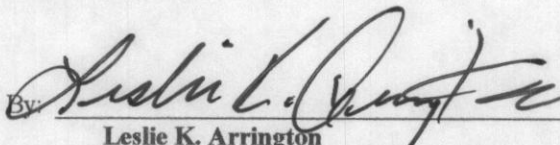
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

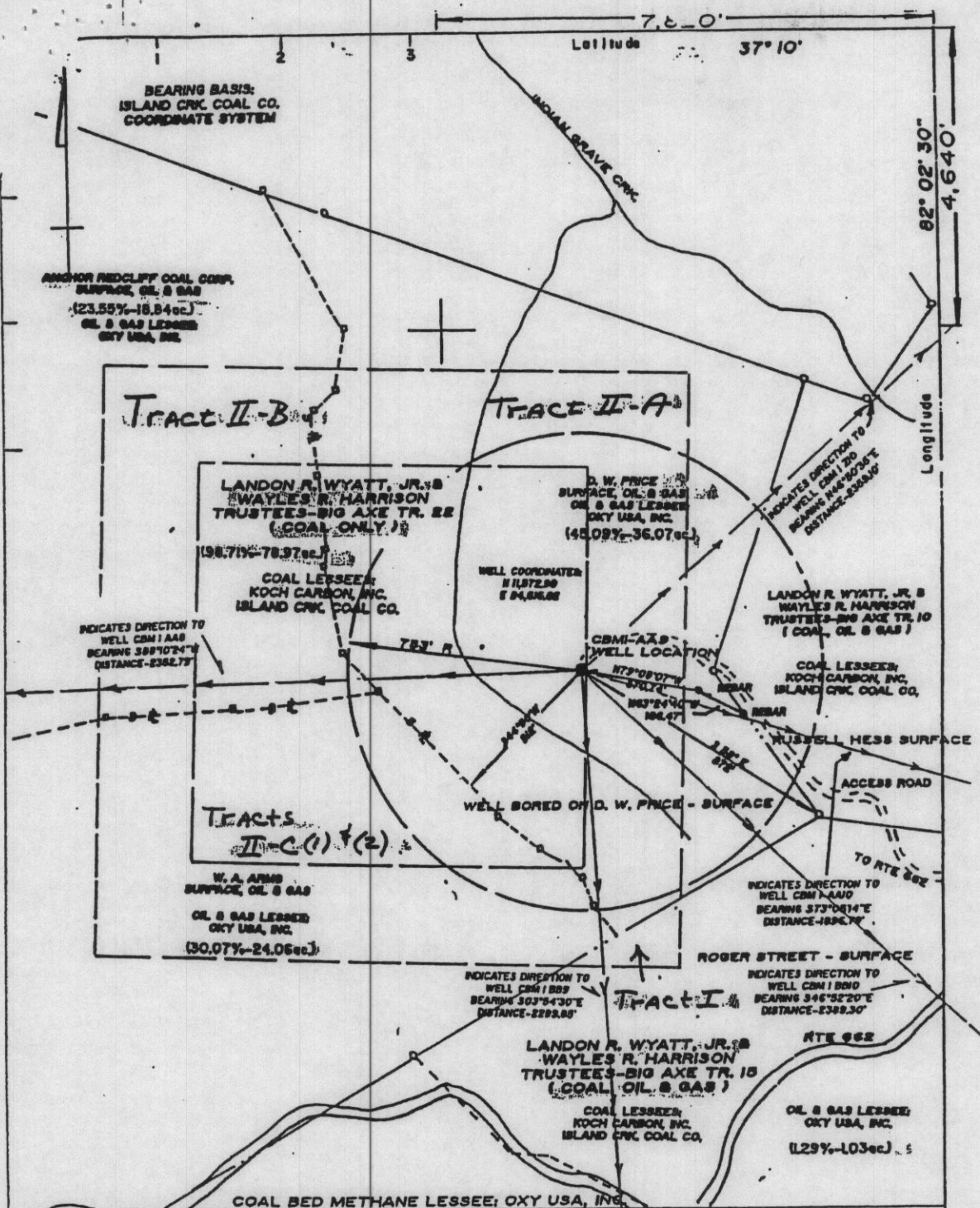
5. **Factual basis for relief requested:** Harrison-Wyatt, LLC and Tivis Arms, Josh Arms, Kelsey Eastridge, Charlie E. Street and Robert Rash, have entered into a royalty split agreement. Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid, to-wit: 13.9598 total percent of escrow to Harrison-Wyatt, LLC and 0.2539 percent of escrow to Tivis Arms, Josh Arms and Kelsey Eastridge, individually; and 1.2695 percent of escrow to Charlie E. Street and 11.9286 percent of escrow to Robert Rash.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY IT'S PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 

Leslie K. Arrington
Manager - Environmental / Permitting
CNX Gas Company LLC
P.O. Box 947
Bluefield, Virginia 24605
276/988-1000



COMPANY OXY USA, INC.
 ADDRESS DRAWER C, RICHLANDS, VA 24641
 WELL NAME CBMI-AA9
 FARM TRACT BIG AXE 22
 LEASE NO. ELEVATION 2260.00'
 ACRES 400 QUADRANGLE VANSANT
 COUNTY BUCHANAN DISTRICT SOUTH BRUNY
 REG. ENGINEER VA REG. NO. 2887
 CERT. LAND SURVEYOR CERT NO.
 FILE NO. DRAWING NO.
 DATE 10-18-90 SCALE 1" = 400'

This plot is ☒ new ☐ updated
 This plot ☒ is ☐ is not based on a mine
 coordinate system established for the area
 of the well location.

EXHIBIT A

WELL LOCATION MAP

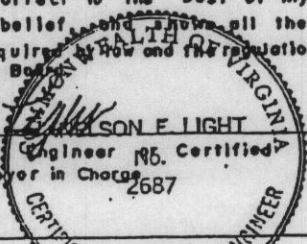
WELL NO. CBMI-AA9

Denotes location of well on United States
 Topographic Maps, scale 1 to 24,000, lat-
 itude and longitude lines being represented
 by border lines as shown.

CERTIFICATION OF WELL PLAT

I, the undersigned, hereby certify that
 this plat is correct to the best of my
 knowledge and belief, and that I have all the
 information required by law and the regulations
 of the Well Review Board.

Robert E. Light
 Registered Engineer No. 2687
 Land Surveyor in Charge



CNX Gas Company LLC

UNIT AA-9

Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) – All Minerals
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Roger Street – Surface
1.03 acres 1.2875%

- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
D. W. Price Heirs – Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
36.07 acres 45.0875%

- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Robert A. Rash – Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
18.84 acres 23.5500%

- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
W. A. Arms Heirs, Successors or Assigns – Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (52.47%)
24.06 acres 30.0750%

Exhibit EE
Unit AA-9
Docket #VGOB 91-0430-0116
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #2B - 18.84 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	18.84 acres	23.5500%	23.8572%
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Robert A. Rash P.O. Box 614 Tazewell, VA 24651	18.84 acres	23.5500%	23.8572%
<u>Tract #2C - 24.06 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%	30.4673%
<u>OIL & GAS FEE OWNERSHIP</u>			
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%	30.4673%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns			
(g) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.251 acres 1/96 of 24.06 acres	0.3133%	0.3174%
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	2.005 acres 1/12 of 24.06 acres	2.5063%	2.5389%
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%
(b) Kelsey Earp Eastridge P.O. Box 654 Millers Creek, NC 28651	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 91-0430-0116 -01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2B & 2C
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: October 19, 2004

DRILLING UNIT: AA-9

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

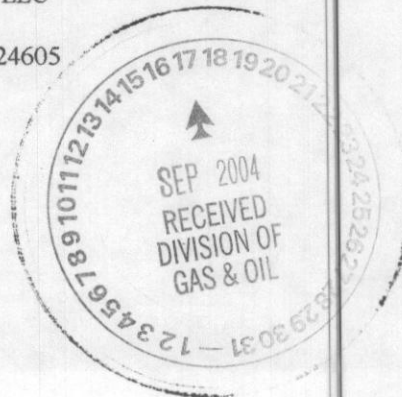
1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **Swartz & Stump, L.C.**, P.O. Box 517, Abingdon, VA 24212.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2C as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC and Tivis Arms, Josh Arms, Kelsie Earp and Robert Rash.
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.
4. **Type of well(s):** Coalbed methane.
5. **Factual basis for relief requested:** Harrison-Wyatt, LLC and Tivis Arms, Josh Arms, Kelsie Earp and Robert Rash, have entered into a royalty split agreement. Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid, to-wit: 6.7260 total percent of escrow to Harrison-Wyatt, LLC and 0.2539 percent of escrow to Tivis Arms, Josh Arms and Kelsie Earp, individually; and 5.9643 percent of escrow to Robert Rash.
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

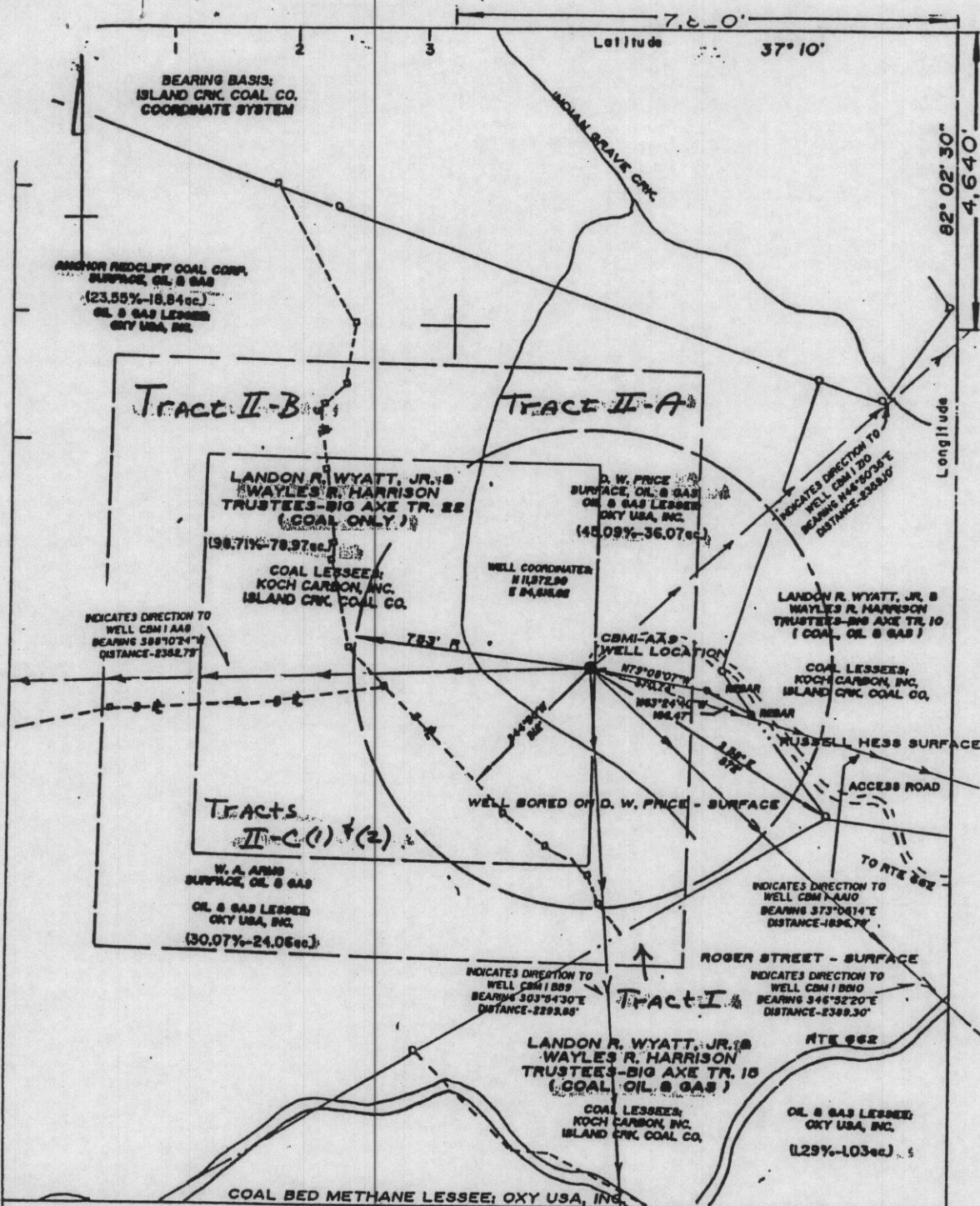
CNX GAS COMPANY LLC
BY IT'S PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By:

Leslie K. Arrington

Leslie K. Arrington
Manager - Environmental / Permitting
CNX Gas Company LLC
P.O. Box 947
Bluefield, Virginia 24605
276/988-1000





COMPANY OXY USA, INC.
ADDRESS DRAWER C, RICHLANDS, VA 24641
WELL NAME CBMI-AA9
FARM TRACT BIG AXE 22
LEASE NO. ELEVATION 2265.00'
ACRES 400 QUADRANGLE YANZANT
COUNTY BUCHANAN DISTRICT SOUTH BRUNDY
REG. ENGINEER VA REG. NO. 2287
CERT. LAND SURVEYOR CERT NO.
FILE NO. DRAWING NO.
DATE 10-18-90 SCALE 1" = 400'

This plot is ☒ new ☐ updated
This plot ☒ is ☐ is not based on a mine
coordinate system established for the area
of the well location.

EXHIBIT A

WELL LOCATION MAP

WELL NO. CBMI-AA9

Denotes location of well on United States
Topographic Maps, scale 1 to 24,000, lat-
itude and longitude lines being represented
by border lines as shown.

CERTIFICATION OF WELL PLAT

I, the undersigned, hereby certify that
this plat is correct to the best of my
knowledge and belief, and show all the
information required by law and the regulations
of the Well Review Board.

DAVID E. LIGHT
Registered Engineer No. 2687
Land Surveyor in Charge

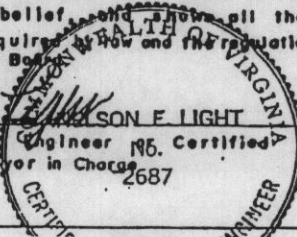


Exhibit E
Unit AA-9
Docket #VGOB 91-0430-0116
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
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<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Robert A. Rash P.O. Box 614 Tazewell, VA 24651	18.84 acres	23.5500%	23.8572%
<u>Tract #2C - 24.06 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
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(b) Kelsie Arms Earp Rt.1 Box 768 Boomer, NC 28606	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%	0.5078%